

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: LECLAIRRYAN PLLC,
Debtor.

Case No. 19-34574-KRH
Chapter 7

LYNN L. TAVENNER,
as Chapter 7 Trustee,

Plaintiff,

v.

Adv. Pro. No. 20-03142-KRH

ULX PARTNERS, LLC,
ULX MANAGER, LLC, and
UNITEDLEX CORPORATION,

Defendants.

FIFTH AMENDED PRETRIAL ORDER

Based on the joint request of Lynn L. Tavenner, in her capacity as Chapter 7 trustee for the bankruptcy estate of LeClairRyan PLLC, (the “Trustee”), by counsel, and ULX Partners, LLC, UnitedLex Corporation, and ULX Manager, LLC (collectively, the “Defendants” and, together with the Trustee, the “Parties”), and based on the Parties’ representation that they were ready to proceed with mediation in good faith, on February 4, 2022, this Court entered an *Order* [ECF No. 142] (the “Mediation Order”), appointing the Honorable Frank J. Santoro (the “Mediator”) as judicial mediator in the above-captioned adversary proceeding (the “Adversary Proceeding”). The Mediation Order further provided that the mediation would conclude no later than Monday, March 7, 2022.

On March 8, 2022, in accordance with the authority granted to him under the Mediation Order, the Mediator entered two orders compelling the Plaintiff and the Defendants to exchange

certain information.¹ *See* Order Directing Defendants to Produce Insurance-Related Information [ECF No. 177]; Order Directing the Exchange of Information Between the Defendants, Nicholas Hinton, Daniel Reed, the Insurance Companies & the Chapter 7 Trustee [ECF. No. 178]. Upon the request of the Mediator, it is

ORDERED, ADJUDGED, AND DECREED that:

1. The hearings previously scheduled for March 8, 2022, at 11:00 a.m. on
 - a. the *Motion for Leave to Amend First Amended Complaint* [ECF No. 147] (the “Motion to Amend”);
 - b. the *Motion for Order Restricting Public Access and Authorizing Trustee to File Certain Documents Under Seal in Connection with Trustee’s Motion for Leave to Amend First Amended Complaint* [ECF No. 160]; and
 - c. *Defendants’ Motion to File Partially Redacted Opposition to Trustee’s Motion to Amend* [ECF No. 170]

shall be continued **April 19, 2022, at 11:00 a.m.** (the “April 19 Hearing”) In accordance with Richmond General Order 20-5, the April 19 Hearing will be conducted via Zoom with a listen-only line available. Persons seeking to attend or participate at the April 19 Hearing must register through the following link.

Zoom registration link:

<https://www.zoomgov.com/meeting/register/vJIsdOGrrzsvG0tt6k5oG9Q90BRnwHt-wN8>

Listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 41922

¹ While not presently before the Court, it appears that neither the Plaintiff nor the Defendants may have fully complied with their ongoing duty to disclose in accordance with Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure, as made applicable to this Adversary Proceeding by Rule 7026 of the Federal Rules of Bankruptcy Procedure (“Rule 26”). If the Court later determines that any Party did fail to comply with the disclosure obligations set forth in Rule 26 and/or violated the terms of this Court’s *Pretrial Order* [ECF No. 9] as subsequently amended and modified, the Court may impose sanctions as appropriate.

2. In the event the Motion to Amend is granted, the Defendants shall be entitled to file a 7-page supplement to their reply in support of their Motion for Summary Judgment (as defined herein). The supplement shall be filed no later than **April 22, 2022**, and shall be limited to arguments addressing only any new causes of action that may be added to the First Amended Complaint.

3. The hearings currently scheduled for March 15, 2022, at 11:00 a.m. on
- a. *ULX Partners, LLC's, UnitedLex Corporation's, and ULX Manager, LLC's Motion for Summary Judgment* [ECF No. 133] (the "Motion for Summary Judgment");
 - b. *the Motion for Entry of an Order Authorizing Defendants to File Their Memorandum in Support of Their Motion for Summary Judgment and Related Exhibits Under Seal* [ECF No. 135];
 - c. *the Motion for Order Authorizing Trustee to File Her Memorandum of Law in Opposition to the Motion for Summary Judgment filed by ULX Partners, LLC, ULX Manager, LLC, and UnitedLex Corporation Under Seal* [ECF No. 154]; and
 - d. *the Motion for Entry of an Order Authorizing Defendants to File Their Reply in Support of Their Motion for Summary Judgment and Related Exhibits Under Seal* [ECF No. 157]

will be continued to **April 28, 2022, at 11:00 a.m.** (the "April 28 Hearing") In accordance with Richmond General Order 20-5, the April 28 Hearing will be conducted via Zoom with a listen-only line available. Persons seeking to attend or participate at the April 28 Hearing must register through the following link.

Zoom registration link:

https://www.zoomgov.com/meeting/register/vJItc-CtqjluHjeJNDHNhUS_tymzIK3ixtg

Listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 42822

4. As all matters previously scheduled for March 15, 2022, at 11:00 a.m. have been continued, the March 15, 2022, hearing date is hereby cancelled.

5. The trial shall be held on **May 16, 2022** (the “Trial Date”) through **May 27, 2022** at **10:00 a.m.** Unless otherwise ordered by the Court, in accordance with Richmond General Order 20-5, the trial shall be conducted by remote video conference via Zoom for Government with a listen-only line available. Persons seeking to attend or participate at the trial must register through the following link.

Zoom registration link:

https://www.zoomgov.com/meeting/register/vJItcu6pqzgrHJfws5p_zLeaSles8Xfzp_w

Listen-only conference line:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 0522

6. The *Fourth Stipulation and Amended Pretrial Order* [ECF No. 144] is hereby amended to change the term “Trial Date” defined therein to reflect the Trial Date set forth in this Fifth Amended Pretrial Order.

7. Except as modified herein or by Richmond General Order 20-5, all other terms and provisions set forth in the *Fourth Stipulation and Amended Pretrial Order* [ECF No. 144] shall remain in full force and effect.

8. Failure to comply with this Fifth Amended Pretrial Order shall result in appropriate sanctions.

9. The Clerk shall forward a copy of this Fifth Amended Pretrial Order to all counsel of record.

DATED: March 9, 2022

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

ENTERED ON DOCKET: March 10, 2022